

## FACTSHEET CAMPAIGN SIGNS

### **FEDERAL REGULATIONS:**

Department of Transportation's Federal Highway Administration (FHWA) policies and requirements, Subpart G-Outdoor Advertising Control:

#### **23 CFR (Code of Federal Regulations), Chapter I (4-1-93 Edition), §750.704**

**(Statutory Requirements):** Restricts signs adjacent to Interstate and Primary highways which are visible from the main-traveled way and within 660 feet of the edge of the right-of-way to the following:

- 1) Directional and official signs;
- 2) Signs advertising the sale or lease of property upon which they are located;
- 3) Signs advertising activities conducted on the property on which they are located;
- 4) Signs which are zoned industrial or commercial under State law;
- 5) Signs which are unzoned industrial or commercial as determined by the State and the U.S. Secretary of Transportation; and
- 6) Landmark signs which have been lawfully in existence since October 22, 1965.

### **STATE REGULATIONS — Hawaii Revised Statutes:**

#### **A. GENERAL REGULATIONS**

**§11-215 Advertising.** All political advertisements must contain the name and address of the candidate, committee, party, or person paying for the advertisement. In addition, advertisements supporting or opposing a candidate must have a prominent notice that the advertisement has or does not have the approval and authority of the candidate. Bumper stickers and other small campaign items are not covered by this requirement.

**§264-6 State highway not to be disturbed without permit.** No person or government agency, whether federal, state, or county, shall, in any manner or for any purpose do any of the following acts without a written permit from the director of transportation or the director's authorized representative:

- (2) Place, erect, leave, or store any structure, motor or other vehicle, equipment, or any other object wholly or partially within the right-of-way of any state highway; provided that this paragraph shall not apply to the holding or displaying of movable signs, for the purpose of carrying on political campaign activities.

**§264-72 Control of outdoor advertising.** No person shall erect or maintain any outdoor advertising outside the right of way boundary and visible from the main-traveled way of any federal-aid or state highway within the State, except for the following:

- 1) Directional and other official signs and notices;
- 2) Signs, displays, and devices advertising the sale or lease of the property upon which they are located.
- 3) Signs, displays, and devices advertising activities conducted on the property upon which they are located.
- 4) Signs lawfully in existence on October 22, 1965 that have been determined as landmark signs.

**§445-112 Where and when permitted.** No person shall erect, maintain, or use a billboard or display any outdoor advertising device, except as herein provided:

- (11) Signs urging voters to vote for or against any person or issue, if erected not more than forty-five days before, and removed not less than ten days after, the election in which the person is a candidate or in which the issue is to be voted upon.

Additionally, Attorney General's Opinion 96-4 concludes that this section (§445-112(11)) contains a content-based restriction which is presumptively unconstitutional.

**§445-113 Regulation by counties.** Except for outdoor advertising devices authorized under section 445-112 (16) and (17), the several counties may adopt ordinances regulating billboards and outdoor advertising devices not prohibited by section 445-111 to 445-121.

## B. ELECTION DAY REGULATIONS

**§11-132 Electioneering.** "... (a) The precinct officials shall post in a conspicuous place, prior to the opening of the polls, a map designating an area of two hundred feet from the perimeter of the polling place and its appurtenances. Any person who remains or loiters within an area of two hundred feet from the perimeter of the polling place and its appurtenances for the purpose of campaigning shall be guilty of a misdemeanor. For the purposes of this section, a polling place and its appurtenances shall include:

- (1) The building in which the polling place is located;
- (2) Any parking lot adjacent to the building and routinely used for parking at the building;
- (3) The routes of access between the building and any parking lot; and
- (4) Any route of access between any public thoroughfare (right of way) and the polling place to ensure an open and accessible ingress and egress to and from the polling place for voters..."

"... (d) Within the appropriate boundary as established in subsection (a), and the building in which the polling place is located, the display or distribution of campaign posters, signs, or other campaign materials for the purpose of soliciting votes for or against any person or political party or position on a question is prohibited. Any voter who displays campaign material in the polling place shall remove or cover that material before entering the polling place..."

**§19-6(7) Misdemeanors.** "Any person, including candidates carrying on any campaign activities within the area described in section 11-132 during the period of time starting one hour before the polling place opens and ending when the polling place closes for the purpose of influencing voters . Campaign activities shall include the following:

- (A) Any distribution, circulation, carrying, holding, posting, or staking of campaign cards, pamphlets, posters and other literature;
- (B) The use of public address systems and other public communication media;
- (C) The use of motor caravans or parades; and
- (D) The use of entertainment troupes or the free distribution of goods and services;"

## **RESOLUTIONS:**

**House Resolution No. 193 (1986)** requests that all candidates for elective office refrain from curbside sign-waving.

This Fact sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election laws. It is distributed with the understanding that the office of Elections is not rendering legal advice and therefore is not to be used as a substitute for legal counsel. Readers should consult the Hawaii revised Statutes, the United States Constitution, the Hawaii State Constitution, the County Charters, Attorney General Opinions, and other sources for a complete and legal basis of the law.

COUNTY ORDINANCES:

**City & County of  
Honolulu**

**General Regulations:**

There are no regulations at present prohibiting the use of political campaign signs fixed to the ground or to a structure.\*

**Campaign Headquarters**

**Signs:** Signs identifying the campaign headquarters of a political candidate are permitted, and are regulated as business signage. Such signs must be located on the premise of the headquarters, and are subject to the Land Use Ordinance (LUO) sign regulations regarding number, type and size for the underlying zoning district (Section 21-3.90-3). A sign permit needs to be issued by the Department of Planning and Permitting before a headquarters sign may be installed. Call the Building Permit Section at 523-4505 for more information and/or clarification of the rules governing campaign headquarters signs.

**County of Hawaii**

**Hawaii County Code,  
Chapter 3(a)(1),  
Section 3-32, Exempt Signs:**

(D) Political Campaign Sign. Any sign or poster not exceeding one square foot in area, announcing a candidate seeking political office; provided that the sign or poster is permitted only for a period of sixty days preceding a general or special election and for a period of ten days following such election.

Note: The constitutionality of the above has been questioned; however, all signs must conform to applicable building and traffic provisions of the Hawaii County Code. For further information, please contact the Department of Public Works at 961-8331 or a private attorney.

**County of Maui**

**Maui County Code, Chapter  
16.12A, Outdoor Signs:**

Section 16.12A.090 — Signs authorized for all districts without a permit.

(D) Signs or posters not exceeding eighteen square feet in display surface, announcing candidates seeking political office; provided that such signs or posters shall be permitted only for a period of seventy-five days preceding a general or special election and for a period of ten days following such election.

**County of Kauai**

**Ordinance No. 723  
(Amending Chapter 15,  
Article 4 of the Kauai  
County Code 1987) relating  
to Outdoor Signs:**

Section 15-4.6 Signs Not Requiring A Permit.

The following types of signs are exempt from the permit requirements of this Article, but must comply with the requirements of Section 15-4.4; Section 15-4.7 and Section 15-4.10 of the Kauai County Code 1987, as amended.

(a) Temporary Signs

(2) Political Campaign Signs. Any sign which:

(A) Identifies the headquarters of a political candidate and shall not exceed the size limitations set forth in Section 15-4.5(b).

**Window Signs:** Political signs which are posted inside windows are permitted in the candidate's bona fide campaign office.

**Bumper stickers:** The LUO does not regulate advertisements fixed to a motor vehicle.

**Hand-Carried Signs:** The LUO does not regulate political signs carried by individuals.

NOTE: Political campaign signs fixed to the ground or structure were prohibited under Section 21-3.90-2(d) of the Land Use Ordinance (LUO). However, this prohibition was found unconstitutional by the courts in 1990.

(B) Identifies and/or provides information about a political candidate or issue to be voted upon. It shall not be posted within the right-of-way boundary of any public road or highway and shall not block, obstruct or impede, partially or completely, any public sidewalks or pedestrian walkway and shall not exceed the size limitations set forth in Section 15-4.5(b) of the Kauai County Code 1987.

For more information please call the Department of Public Works at 241-6662.